

Serial No. 10/685,971

REMARKS

In the Office Action mailed February 17, 2005, the Examiner rejected all pending claims 1-8 and objected to claims 2 and 5, noting that claims 9-11 were previously withdrawn pursuant to a restriction requirement. The informal drawings were also objected to.

In the present Amendment, claim 2 has been amended and claims 1 and 5 have been amended, and claim 2 has been canceled without prejudice. Claims 1, 3-8 remain pending in the application (1 independent claim, 7 total claims). No new matter has been added. Reconsideration is respectfully requested in light of the following Remarks.

A. Drawings

The drawings are objected to based on informalities in the reference characters. Applicants respectfully traverse this objection. Applicant does not agree with the Examiner's argument that reference character 20 is not mentioned in the description. The "protrusions" 20 are described in paragraph 23. Similarly, while reference character 15 is consistently referred to as the "hinge" (in paragraphs 22 and 26), reference character 16 is referred to only as a "hinge component" (paragraph 23). This is because the entire hinge 15 includes a specific outer component 16 which, in the illustrated embodiment, rotates around a central axle. There is no inconsistency in referring both to a general hinge 15 and one of its specific components or sub-parts 16. Applicant respectfully requests withdrawal of this objection.

B. Claim Objections

The Examiner has objected to claims 2 and 5 due to various informalities. The claims have been amended in accordance with the Examiner's suggestions.

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C. Claim Rejections – 35 U.S.C. § 102

The Examiner has rejected claims 1, 3, and 5-8 based on U.S. Patent No. 3,583,454, issued to Börner (the "Börner reference," or simply "Börner"). This rejection is respectfully traversed in light of the claims as amended. Claim 1 has been amended to incorporate the text of original claim 2, relating to a system wherein the food holder is "rotateably attached to said guide via a hinge." Börner does not teach, suggest, or otherwise disclose this element, and the Examiner does not assert that it does. Börner merely discloses "a pair of parallel rails on which a removeable food-holder can be guided for reciprocation." (See Abstract). Furthermore, claims 3 and 5-8 depend from claim 1. Accordingly, Applicants therefore respectfully request that the Section 102 rejection be withdrawn with respect to the claims as amended.

D. Claim Rejections – 35 U.S.C. § 103

Claim 2 is rejected under Section 103 based on Börner in view of U.S. Patent No. 6,253,756 ("Petit"), and Claim 4 is rejected based on Börner in view of U.S. Pat. No. 5,765,472 (Kim). These rejections are respectfully traversed in light of the claims as amended.

The Examiner notes that Petite discloses a tile cutter with a holder (15) rotateably attached to the guide (5,6) via a hinge (15a/15b). Applicants respectfully note that 15a/15b do not act as a hinge: they merely allow the holder to be placed on rails 3 by "pivoting" them into place. (Col. 3, lines 35-41). The present claims have been amended to clarify that the hinge is simultaneously slideably and rotateably attached to the guide. That is, the food holder may be opened to hold food prior to, after, and during sliding. Petite's configuration does not allow this - it effectively locks on to the rails, as would be expected from a tile cutter. In this way, Petite actually teaches away from the present invention.

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Furthermore, there is no motivation to combine the two references. One looking for ways to slice food into strips or planar regions parallel to the movement of the blade (e.g., Börner) would not look to tile-cutting technology, which deals with ways to scribe the top surface of the workpiece for subsequent breaking under an applied bending force.

Accordingly, Applicants respectfully request that the Section 103 rejections be withdrawn.

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CONCLUSION

In view of the above remarks and amendments, Applicants respectfully submit that all of the currently pending claims properly set forth that which Applicants regard as their invention and are allowable over the cited prior art.

Accordingly, Applicants respectfully request reconsideration and allowance of all pending claims. The Examiner is invited to telephone the undersigned at (602) 382-6325 at the Examiner's convenience, if that would help further prosecution of the subject Application. Applicants authorize and respectfully request that any fees due be charged to Deposit Account No. 19-2814, for which purpose a duplicate copy of this sheet is attached. **This statement does NOT authorize charge of the issue fee.**

Respectfully submitted,

Dated: 8/16/05By: 
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